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Attorney For Defendant Quinterro-Zepeda

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	2:15-cr-00074-JAD-NJK
VS.)	
)	STIPULATION TO CONTINUE
VICTOR QUINTERO-ZEPEDA,)	SENTENCING DATE
)	(Second Request)
)	
Defendant.)	

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Susan Cushman, Assistant United States Attorney, counsel for Plaintiff the United States Of America and Jose C. Pallares, Esq., counsel for Defendant Victor Quintero-Zepeda, that the sentencing currently scheduled for August 29, 2016, at the hour of 10:00 a.m. be vacated and set to a date and time convenient to this court, but after September 9, 2016.

This Stipulation is entered into for the following reasons:

1. The funeral for Defense counsel's father is scheduled for August 29, 2016, in Phoenix, Arizona;
2. Defendant Victor Quintero-Zepeda is in custody and agrees to the continuance;
3. The additional time requested herein is not sought for purposes of delay but to allow counsel for the defense the opportunity to properly prepare a defense for Defendant,

1 taking into account considerations of due diligence;

2 4. Denial of this request could result in a miscarriage of justice;

3 5. The additional time requested by this Stipulation is excludable in computing the
4 time within which the trial herein must commence pursuant to the Speedy Trial Act,
5 Title 18, United States Code, Section 3161(h)(8)(A), considering the factors under
6 Title 18, United States Code, Section 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv);
7

8 7. This is the second request to continue the sentencing date.

9 DATED this 16th day of August, 2016.
10

11 Defendant VICTOR QUINTERO-ZEPEDA

DANIEL G. BOGDEN
United States Attorney

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13 By: /S/ Jose C. Pallares
14 JOSE C. PALLARES, ESQ.
15 Counsel For Defendant Quintero-Zepeda

By: /S/ Susan Cushman
SUSAN CUSHMAN, ESQ.
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	2:15-cr-00074-JAD-NJK
)	
VS.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
VICTOR QUINTERO-ZEPEDA,)	AND ORDER
)	
Defendants.)	

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense counsel must attend his father's funeral scheduled for August 29, 2016, in Phoenix, Arizona;
2. Defendant Victor Quintero-Zepeda is in custody and agrees to the continuance;
3. The additional time requested herein is not sought for purposes of delay but to allow counsel for the defense the opportunity to properly prepare a defense for Defendant, taking into account considerations of due diligence;
4. Denial of this request could result in a miscarriage of justice;
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A), considering the factors under Title 18, United States Code, Section 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv);
6. This is the second request to continue the sentencing date.

For all of the above-stated reasons, the ends of justice would be best served by

continuing the sentencing date.

CONCLUSIONS OF LAW

The ends of justice would be served by granting said continuance outweigh the best interest of the public and the defendant in a speedy sentencing hearing, since the failure to grant said continuance would be likely to result in a miscarriage of justice, and would deny defense counsel the opportunity to prepare an effective defense for his client, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A), 361(h)(7) and Title 18, United States Code, Section 3161(h)(8)(A), when considering the factors under Title 18, United States Code, Sections 3161 (h)(8)(B) and 3161(h)(8)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for August 29, 2016, at 10:00 a.m. be vacated and continued to September 20, 2016 at 10:00 a.m.

DATED this 16 day of August, 2016.


UNITED STATES DISTRICT JUDGE